

CITY COUNCIL AGENDA

JUNE 4, 2013

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/cityclerk. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 6)**
Rev. Rebecca Ireland, Willow Glen Methodist Church
- **Pledge of Allegiance**
- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**
- ## **1. CEREMONIAL ITEMS**
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- 1.1** Presentation of a commendation to Evergreen High School students' participation in the Odyssey of the Mind program and world finals. (Herrera)

- 1.2 Presentation of a commendation to Ida Jew Academies for increasing their Academic Performance Index score. (Herrera)
- 1.3 Presentation of a proclamation declaring June 10th as Dia de Portugal, de Camões e das Comunidades Portuguesas in the City of San José. (Liccardo)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of September 11, 2012.](#)
- (b) [Regular Minutes of September 18, 2012.](#)
- (c) [Study Session Minutes of September 18, 2012 on Police Response to Recent Crimes and Gang Activity.](#)
- (d) [Regular Minutes of September 25, 2012.](#)
- (e) [Regular Minutes of October 2, 2012.](#)
- (f) [Joint City/County Meeting Minutes of October 5, 2012.](#)
- (g) [Special Meeting Minutes of October 9, 2012 on Prioritization of Policies, Ordinances and Setting Study Sessions.](#)
- (h) [Regular Minutes of October 16, 2012.](#)
- (i) [Regular Minutes of October 23, 2012.](#)
- (j) [Study Session Minutes of October 29, 2012 on Homeless Encampments.](#)
- (k) [Regular Minutes of October 30, 2012.](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 29252](#) – Adopting salaries and other compensation for the Mayor and Councilmembers pursuant to City Charter Section 407.
- (b) [ORD. NO. 29253](#) – Amending Sections 6.54.110, 6.54.260, and 6.54.265 and adding Section 6.54.320 of Chapter 6.54 of title 6 of the San José Municipal Code to modify the conditions of for fixed location peddlers and authorize the City Manager to promulgate regulations on behalf of all fixed location peddlers.

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- (c) [ORD. NO. 29254](#) – Amending Title 20 of the San José Municipal Code (The Zoning Ordinance) to amend: Section 20.30.100 of Chapter 20.30 (Residential Zoning Districts) to allow outdoor vending of fresh fruits and vegetables on school, library, community center, and religious assembly sites in residential zoning districts; Sections 20.40.100 and 20.40.520 of Chapter 20.40 (Commercial Zoning Districts) to allow outdoor vending of fresh fruits and vegetables in commercial zoning districts; Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to allow outdoor vending of fresh fruits and vegetables in industrial zoning districts; Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to allow outdoor vending of fresh fruits and vegetables, and to allow banquet facilities as ground-floor space uses, in downtown zoning districts; Sections 20.75.200 and 20.75.320 of Chapter 20.75 (Pedestrian Oriented Zoning Districts) to allow Certified Farmers' Markets, neighborhood agriculture and outdoor vending of fresh fruits and vegetables in pedestrian oriented zoning districts; Sections 20.80.810 and 20.80.820 of Chapter 20.80 (Specific Use Regulations, Outdoor Vending Facilities) to allow outdoor vending of fresh fruits and vegetables and other products in conformance with specific regulations without an administrative permit; and to renumber Sections 20.200.400 (Flag Lot) and 20.200.410 (Fixed Based Host) of Chapter 20.200 (Definitions) without substantive amendment; all to further implement the design for a healthful community major strategy, the vibrant neighborhoods goals and policies, the economic development goals and policies, and the land use goals and policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of May 1, 2013. (Mayor)
(b) [Transportation and Environment Committee Report of May 6, 2013.](#) (Liccardo)
(c) Rules and Open Government Committee Report of May 8, 2013. (Mayor)
(d) [Public Safety, Finance, and Strategic Support Committee Report of May 16, 2013.](#) (Constant)
(e) [Community and Economic Development Committee Report of May 20, 2013.](#) (Herrera)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2. CONSENT CALENDAR

2.7 Setting Public Hearings on the Business Improvement Districts.

Recommendation:

- (a) [Preliminary approval of the report as filed by the Hotel Business Improvement District](#) Advisory Board, or as modified by Council; and adoption of [a resolution](#) of intention to levy the annual assessment for Fiscal Year 2013-2014, and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development)
- (b) [Preliminary approval of the report as filed by the Japantown Business](#) Improvement District Advisory Board, or as modified by Council; and adoption of a [resolution](#) of intention to levy the annual assessment for Fiscal Year 2013-2014, and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)
- (c) [Preliminary approval of the report as filed by the Downtown Business](#) Improvement District Advisory Board, or as modified by Council; and adoption of a [resolution](#) of intention to levy the annual assessment for Fiscal Year 2013-2014, reduce the district boundaries and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the foregoing matters. CEQA: Exempt, File No. PP03-05-165. Council District 3. (Economic Development)

2.8 [Actions Related to the Santa Clara Valley Transportation Authority Agreement for Public Art Enhancements.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the City Manager to ratify and approve an [agreement](#) with Santa Clara Valley Transportation Authority (VTA), retroactive from March 20, 2013 to August 31, 2015, to receive funding in the amount of \$255,000 for the management of public art enhancements as part of VTA's Santa Clara – Alum Rock Bus Rapid Transit Project (BRT).
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the City-Wide Cultural Affairs Special Project appropriation in the amount of \$90,000; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$90,000.CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Economic Development/City Manager's Office)

2.9 Agreement with Silicon Valley Community Foundation for Community Energy Champions Grant Program.

Recommendation: Approve an [Agreement](#) with the Silicon Valley Community Foundation in an amount not to exceed \$300,000, for a term of July 1, 2013 to December 31, 2014, for the purpose of implementing the Community Energy Championship Grant program. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

2. CONSENT CALENDAR

2.10 [Actions Related to Agreements with San José Conservation Corps.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement with the San José Conservation Corps for the Event Recycling and Creek Cleanup and Riparian Work, and the Fourth Amendment to the Agreement with the San José Conservation Corps for Basic Park Support, to increase the hourly salary rate from \$22.00 to \$24.50, retroactive to March 11, 2013. CEQA: Not a Project, File PP10-066(e), Services that involve no physical change to the environment. (Environmental Services/Parks, Recreation and Neighborhood Services)

2.11 [Initiate Proceedings for the Annexation of Snell No. 30.](#)

Recommendation: Adopt a [resolution](#) initiating proceedings and setting a public hearing on June 18, 2013 at 1:30 p.m. for Council consideration of the reorganization of territory designated as Snell No. 30, which involves the annexation to the City of San José of approximately 258.94 gross acres of land generally bounded by Branham Lane to the north, Barron Park Drive to the west, Chynoweth Avenue to the south, and Snell Avenue to the east and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Envision San José 2040 General Plan Final EIR Resolution No. 76041. Council District 10. (Planning, Building and Code Enforcement)

2.12 [City Attorney's Travel to St. Louis, Missouri.](#)

Recommendation: Authorize travel for City Attorney Richard Doyle to St. Louis, Missouri on June 14-15, 2013 to attend an International Municipal Lawyers Association (IMLA) Big Cities meeting. Source of Funds: City Attorney's Office Non Personal Services Appropriation. CEQA: Not a Project; File No. PP10-069, Administrative Activities. (City Attorney's Office)

2.13 [Actions Related to Various Funds in the Municipal Code.](#)

Recommendation:

- (a) Approve an [Ordinance](#) amending Chapter 4.80 of Title 4 of the San José Municipal Code to take effect retroactively on June 30, 2013 to add new Parts in order to establish the following funds:
 - (1) San José Arena Capital Fund;
 - (2) Contingent Lien District Fund;
 - (3) Federal Grant Fund;
 - (4) Improvement District Fund;
 - (5) Multi-Source Housing Fund;
 - (6) Public Works Program Support Fund;
 - (7) San José Arena Enhancement Fund;

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 Actions Related to Various Funds in the Municipal Code. (Cont'd.)

Recommendation:

- (a) (8) San José/Santa Clara Treatment Plant Fund; and
- (9) Supplemental Law Enforcement Services Fund.
- (b) Approve an [Ordinance](#) repealing various Parts of Chapter 4.80 of Title 4 and amending Section 17.02.300 of Chapter 17.02 of Title 17 of the San José Municipal Code as referenced below to take effect retroactively on June 30, 2013 to eliminate funds which have been previously closed out or are scheduled to be closed out in Fiscal Year 2012-2013:
 - (1) 1975 Rincon De Los Esteros Tax Allocation Bond Fund (Part 18; Sections 4.80.900 to 4.80.920);
 - (2) Comprehensive Employment and Training Act Fund (Part 6; Sections 4.80.250 to 4.80.270);
 - (3) Economic Development Enhancement Fund (Part 9; Sections 4.80.440 to 4.80.460);
 - (4) Emergency Communication System Support Fund (Part 51; Sections 4.80.3400 to 4.80.3410);
 - (5) Emergency Employment Act Fund (Part 10; Sections 4.80.500 to 4.80.520);
 - (6) Federal Local Law Enforcement Block Grant Fund (Part 50; Sections 4.80.3300 to 4.80.3330);
 - (7) Microfilm Book Fund (Part 15; Sections 4.80.750 to 4.80.760);
 - (8) Model Cities Planning and Program Fund (Part 16; Sections 4.80.800 to 4.80.820);
 - (9) Municipal Health Services Program Fund (Part 32; Sections 4.80.1750 to 4.80.1770);
 - (10) Public Improvement Fund (Part 21; Sections 4.80.1150 to 4.80.1160);
 - (11) Public Works Employment Act Fund (Part 22; Sections 4.80.1200 to 4.80.1250);
 - (12) Redevelopment Capital Projects Fund (Part 23; Sections 4.80.1300 to 4.80.1320);
 - (13) Repair and Demolition Fund (Section 17.02.300);
 - (14) Revenue Sharing Trust Fund (Part 24; Sections 4.80.1350 to 4.80.1370);
 - (15) Services for Redevelopment Capital Projects Fund (Part 48; Sections 4.80.3100 to 4.80.3140);
 - (16) Special Assessment Revolving Fund (Part 26; Sections 4.80.1450 to 4.80.1460);
 - (17) Special Aviation Fund (Part 27; Sections 4.80.1500 to 4.80.1520);
 - (18) William F. Prusch Jr. Trust Fund (Part 30; Sections 4.80.1650 to 4.80.1670); and
 - (19) Workers' Compensation Fund (Part 31; Sections 4.80.1700 to 4.80.1720).

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (City Manager's Office)

2. CONSENT CALENDAR

2.14 District 1 Korean Flag Raising Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 22, 2013:

- (a) Approve the District 1 Korean Flag Raising as a City Council sponsored Special Event as rescheduled to August 15, 2013; and
- (b) Approve and accept donations from various individuals, business, or community groups to support the event.

CEQA: Not a Project. (Constant)

[Rules Committee referral 5/22/13 – Item G(2)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 Ordinance Clarifying Police and Fire Health Trust Funds.

Recommendation: Approve an [ordinance](#) amending Section 3.54.020.20 of Chapter 3.54 and Section 3.56.020.20 of Chapter 3.56 of Title 3 of the San José Municipal Code to clarify that the Police and Fire Health Trust Funds may be subtrusts of one trust pursuant to Section 115 of the Internal Revenue Code. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)

3.4 Ordinance Related to Grounds for Declaring a Public Nuisance.

Recommendation: Approve an [ordinance](#) amending Section 1.13.050 of Chapter 1.13 of Title 1 of the San José Municipal Code to clarify the definition of “public nuisance” to include nonpayment of certain City business taxes and transient occupancy (hotel) taxes. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

3.5 Ordinance Increasing the Marijuana Business Tax Rate.

[Supplemental Memo from the Director of Finance](#)

Recommendation: Adopt an [ordinance](#) amending Section 4.66.250 of Chapter 4.66 of Title 4 of the San José Municipal Code to increase the Marijuana Business Tax rate from 7% of gross receipts to 10% of gross receipts, effective on July 1, 2013. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

3. STRATEGIC SUPPORT SERVICES

3.6 Civil Service Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Civil Service Commission
- (b) Appoint one (1) member to the Civil Service Commission.
- (c) If no appointment is made, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration.

(City Clerk)

TO BE HEARD NO EARLIER THAN 3:00 P.M.

3.7 Adoption of a Statement of Policy and City Council Questions for the Prospective Director of Aviation for the Airport Department.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation for the Airport Department as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.8 Implementation of Changes to Retiree Healthcare and Four-Tier Insurance Premium Rates for Executive Management and Professional Employees (Unit 99).

Recommendation:

- (a) Adopt a resolution:
 - (1) Implementing changes to the established retiree healthcare funding provisions for Executive Management and Professional Employees (Unit 99) who are in the Federated City Employees' Retirement System, effective June 23, 2013;
 - (2) Implementing a provision that new employees hired into Unit 99, who elect to join Tier 2, would be ineligible to receive retiree healthcare benefits;
 - (3) Implementing four-tier health and dental insurance coverage premium rates for employees in Unit 99, effective January 1, 2014; and
- (b) Direct the Administration to bring forward a recommendation for establishing a Retiree Healthcare Reserve in the General Fund as part of the 2012-2013 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for Unit 99 for 2013-2014.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.9 Amendments to the Living Wage Policy.

Recommendation: Adopt a resolution approving revisions to the City's Living Wage Policy, Council Policy 3-3, to require contractors to provide a minimum number of days of compensated time off to workers providing labor or service to the City pursuant to procurements initiated on or after June 5, 2013, and to amendments of existing agreements requiring City Council approval. CEQA: Not a Project, File No. PP10-068(b), Municipal Code of Policy. (Public Works)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Implementation of Envision San José 2040 General Plan Regarding Urban Villages.](#)

Recommendation: As recommended by the Community and Economic Development Committee on May 20, 2013, accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, provide comments on the proposed approach for additional implementation, and provide additional direction on the proposed approach. (Planning, Building, and Code Enforcement/Economic Development)

[Community and Economic Development Committee referral 5/20/13 – Item D(2)]

4.2 [Housing Impact Fee Nexus Study.](#) [Memo from Councilmembers Khamis and Constant](#)

Recommendation: Direct the Housing Department to conduct a nexus study analyzing the impact that residential development has on the need for affordable housing in San José and to return to the City Council with recommendations. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)
(Deferred from 3/26/13 – Item 4.6 and 4/9/13 – Item 4.2)

4.3 [Rezoning the Real Property Located on the West Side of Bundy Avenue.](#)

Recommendation: Conduct a Public Hearing and consider an [ordinance](#) rezoning the real property located on the west side of Bundy Avenue, approximately 200 feet northerly of Adra Avenue (425 Bundy Avenue) from the R-M Multi-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow for the development of up to four (4) single-family detached residences on a 0.29 gross acre site (Chitgar Kourosh, Owner). [CEQA: Mitigated Negative Declaration Resolution](#) to be adopted. Planning Commission recommends approval (6-0-1).
[PDC12-014](#) – District 1. (Planning, Building, and Code Enforcement)

4.4 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Director's Environmental Determination of Categorical Exemption for a Special Use Permit.](#)

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Director's environmental determination of Categorical Exemption for a Special Use Permit (File No. SP12-033) to allow a Recycling Transfer Facility on a 3.83 gross acre site in the HI Heavy Industrial Zoning District, located at the northerly terminus of Yard Court (1255 Yard Court) (TSMM LLC, Owner; Eco Box, Applicant).

[SP12-033](#) – District 4. (Planning, Building, and Code Enforcement)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Rezoning the Real Property Located on the West Side Meridian Avenue.

Recommendation: Conduct a Public Hearing and consider an [ordinance](#) rezoning the real property located on the west side of Meridian Avenue, 130 feet northerly of Curci Drive (979 Meridian Avenue), from the A Agricultural Zoning District to the CP Commercial Pedestrian Zoning District to allow medical office use on a 0.37 gross acre site (Green Valley Enterprises, Owner). CEQA: Envision San José 2040 EIR Resolution No. 76041. C13-003 – District 6 (Planning, Building, and Code Enforcement)

4.6 Unattended Collection Containers Ordinance.

Recommendation: Conduct a Public Hearing and consider an [ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to: amend Sections 20.80.1110, 20.80.1130, and 20.80.1150 of Chapter 20.80 (Specific Use Regulations, Recycling Facilities) to amend regulations for Reverse Vending Machines and Unattended Collection Containers in Small Collection Facilities; amend Sections 20.100.1240 and 20.100.1250 of Chapter 20.100 (Administration and Permits) to amend requirements for Display and Terms of Administrative Permits; add Section 20.80.1115 to Chapter 20.80 to establish a maximum number of allowable Administrative Permits for Unattended Collection Containers City-wide; and add Sections 20.200.877 and 20.200.1303 of Chapter 20.200 (Definitions) to add definitions for “Permittee” and “Unattended Collection Container”; and establish a retroactive effective date of May 7, 2013 for the applicability of Section 20.80.1115; all to further implement the Measurable Sustainability/Environmental Stewardship Major Strategy, the Measurable Environmental Sustainability Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San Jose 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20. CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 (File No. PP13-027). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP13-027. (Planning, Building, and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Report on the San José Bringing Everyone's Strengths Together \(BEST\) and Mayor's Gang Prevention Task Force \(MGPTF\) Programs.](#)

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 16, 2013:

- (a) Accept the Evaluation Report for FY 2011-2012 San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF);
- (b) Approve the Resource Allocation Plan for San José BEST and Safe Summer Initiative Grant (SSIG) Programs for FY 2013-2014;
- (c) Adopt a [resolution](#):
 - (1) Authorizing the Parks, Recreation and Neighborhood Services (PRNS) Director to utilize San José Municipal Code 4.12.235 Unique Services Purchases to negotiate and execute agreements with unique service providers for amounts not to exceed \$250,000, via the BEST Program Emergency Fund in the 2013-2016 triennial period in the event of an emergency or a spike in a particular type of criminal activity amongst the MGPTF Target Population; and
 - (2) Authorizing the Parks, Recreation and Neighborhood Services Director to negotiate and execute all grant agreements, amendments and extensions for the 2013 Safe Summer Initiative Grants consistent with the FY 2012-2013 Adopted Budget.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 5/16/13 – Item D(4)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 Agreement with the Clear Channel Airport Advertising Concession.

Recommendation: Adopt a resolution authorizing the City Manager to exercise the City's option to extend the Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports on the same terms and conditions for three years from July 1, 2014 through June 30, 2017. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

(Deferred from 4/30/13 – Item 6.1)

DEFERRED TO 6/18/13 PER ADMINISTRATION

6.2 [Status Report Deferred Maintenance and Infrastructure Backlog.](#)

Recommendation: As recommended by the Transportation and Environment Committee on May 6, 2013, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project. (Public Works)

[Transportation and Environment Committee referral 5/6/13 – Item D(2)]

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.